

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

DENNIS EUGENE ALLEN

v.

JUDGE ERIC CLIFFORD

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CIVIL ACTION NO. 5:18-cv-00074

ORDER

The Plaintiff Dennis Allen filed this civil action under 42 U.S.C. § 1983 complaining of alleged deprivations of his constitutional rights. This Court referred the lawsuit to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Plaintiff sued former state district judge Eric Clifford for allegedly exhibiting bias or prejudice during Plaintiff's criminal trial by engaging in impermissible *ex parte* conversations and making inappropriate comments during the trial. After review of the pleadings, the Magistrate judge issued a Report recommending the lawsuit be dismissed because Judge Clifford was shielded by judicial immunity. Docket No. 7. Plaintiff received a copy of this Report on April 25, 2019, but filed no objections thereto; accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.) *cert. denied* 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). It is accordingly

ORDERED the Report of the Magistrate Judge (Docket No. 7) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED the above-styled civil action is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted. The dismissal of this lawsuit shall not prevent the Plaintiff from challenging his conviction by any lawful means.

SIGNED this 9th day of July, 2019.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE